

## REMARKS

Upon entry of the foregoing Amendment, claims 1, 3, 5-6, 23-25, 27-34, and 37-38 are pending in the application. Claims 1, 3, 5-6, 23-25, and 27-34 have been amended. Claims 4, 26, and 35-36 have been cancelled without prejudice or disclaimer. Claims 37-38 have been newly added. Applicant believes that this Amendment does not add new matter. In view of the foregoing Amendment and the following Remarks, allowance of all the pending claims is requested.

### EXAMINER INTERVIEW

Applicant thanks Examiner England for granting Applicant's representative the courtesy of a personal Examiner Interview on August 3, 2009. During the Examiner Interview, Applicant's representative discussed potential amendments to the claims to clarify various distinctions over the references relied upon, as set forth below in further detail.

Additionally, as further discussed during the Examiner Interview, Applicant hereby refers the Examiner to the prosecution history in co-pending U.S. Patent Application Serial No. 09/578,156, entitled "Method and Apparatus for Event Correlation in Service Level Management" ("the '156 Application"). In particular, Applicant notes that various features of the currently pending claims in the present application recite similar subject matter to that set forth in the claims that have been allowed in the '156 Application.

### REJECTION UNDER 35 U.S.C. § 103

#### A. CLAIMS 1, 3-6, AND 28-34

The Examiner has rejected claim 1 under 35 U.S.C. § 103 as allegedly being unpatentable over U.S. Patent No. 6,108,700 to Maccabee et al. ("Maccabee") in view of U.S. Patent No. 6,356,282 to Roytman et al. ("Roytman") in further of U.S. Patent No. 6,314,103 to Medhat et al. ("Medhat") and claims 3-6 and 28-34 under 35 U.S.C. § 103 as allegedly being unpatentable over Maccabee, Roytman, and Medhat, and in further view of U.S. Patent No. 6,230,203 to Koperda et al. ("Koperda").

Applicant initially notes that claim 4 has been cancelled as indicated above, and therefore the rejection thereof has been rendered moot. In addition, Applicant further notes that claims 1, 3, 5-6, and 28-34 have been amended as indicated above, and submits that the rejections of these claims are improper and must be withdrawn for at least the reason that that the references relied upon, either alone or in combination, fail to disclose, teach, or suggest each and every feature of the claimed invention, as amended.

More particularly, Maccabee, Roytman, Medhat, and Koperda, either alone or in combination, fail to disclose, teach, or suggest at least the combination of features that includes "extracting one or more component parameter values from the plurality of network components that support the service using a plurality of sensors," "monitoring the component parameter values extracted from the plurality of network components that support the service using a plurality of monitoring agents . . . [configured to] detect one or more intra-domain events . . . and generate one or more intra-domain alarms" in respective domains of the network, and "correlating the intra-domain alarms generated in each of the plurality of domains of the network using an alarm correlation agent . . . configured to correlate the intra-domain alarms to generate one or more inter-domain alarms across the plurality of domains of the network," as recited in amended independent claim 1, for example.

Rather, as Applicant has previously argued, the rationale that the Board of Patent and Appeals and Interferences ("Board") set forth in the Decision on Appeal dated February 9, 2009 ("Board Decision") rested on the allegations that "Maccabee's 'events' can accurately be described as based on 'an operational characteristic of a network resource' because they are derived from changes in state in software and hardware components that are sensed by sensors 200," whereby the Board generally characterized the sensors 200 described in Maccabee as corresponding to the previously recited "monitoring agents." Board Decision, page 15. As such, Applicant has amended independent claim 1 to clarify the distinct characteristics of "component parameter values [extracted] from the plurality of network components that support the service," "intra-domain events [detected] as a function of the component parameter values," "intra-domain alarms [generated] as a function of the intra-

domain events," and "inter-domain alarms [correlated from the intra-domain alarms and generated] across the plurality of domains of the network."

For example, amended independent claim 1 recites "extracting one or more component parameter values from the plurality of network components that support the service *using a plurality of sensors*," whereas "*a plurality of monitoring agents* . . . detect one or more intra-domain events in the respective domain as a function of the component parameter values" and "generate one or more intra-domain alarms in the respective domain as a function of the intra-domain events." In addition, amended independent claim 1 further recites "*an alarm correlation agent* . . . configured to correlate the intra-domain alarms to generate one or more inter-domain alarms across the plurality of domains of the network." Thus, whereas Maccabee describes a system that only performs correlation at one level (i.e., correlating "events" into "transactions"), amended independent claim 1 recites features that perform correlation at multiple levels. Specifically, the features recited in amended independent claim 1 provide for correlation that includes detecting events as a function of component parameter values, generating intra-domain alarms as a function of the events, and further generating inter-domain alarms as a function of the intra-domain alarms.

Consequently, the reasoning set forth by the Board in affirming the rejections in the Decision on Appeal is inapplicable to the amended claim language. Nonetheless, the Examiner refers to that same reasoning based on the allegation that "Applicant remarks are similar to the ones sent to the Board" and that the "claim amendments are similar to what was previously claimed." However, although Applicant's acknowledge that the present arguments are similar in substance to those presented before the Board, the arguments are presented in the context of the amendments made to the claim language in view of the Board's reasoning. In particular, Applicant continues to believe that the "events" and "transactions" described in Maccabee are respectively similar, at best, to the "intra-domain events" and "intra-domain alarms" recited in amended independent claim 1. However, Maccabee does not describe any analogue to the recited "inter-domain alarms," whereby amended independent claim 1 clarifies the distinctions that Applicant discussed in the arguments presented before the Board.

Accordingly, for at least the reason that the features recited in amended independent claim 1 clarify the distinctions presented before the Board while addressing the Board's rationale in the Board Decision, Applicant submits that the Examiner has improperly alleged that the amendment to the claims merely present language that is "similar to what was previously claimed." Thus, Applicant maintains that the references relied upon, either alone or in combination, fail to disclose, teach, or suggest each and every feature of amended independent claim 1 for at least the reasons that Applicant has previously discussed and clarified herein. The rejection is therefore improper and must be withdrawn.

**B. CLAIMS 23-27 AND 35-36**

The Examiner has rejected claims 23-27 and 35-36 under 35 U.S.C. § 103 as allegedly being unpatentable over Maccabee and Roytman in further view of Koperda. Applicant initially notes that claims 26 and 35-36 have been cancelled as indicated above, and therefore the rejection has been rendered moot with respect to these claims. In addition, Applicant further notes that claims 23-25 and 27 have been amended as indicated above, and submits that the rejection of these claims is improper and must be withdrawn for at least the reason that that the references relied upon, either alone or in combination, fail to disclose, teach, or suggest each and every feature of the claimed invention, as amended.

More particularly, for at least the reasons discussed above, Maccabee, Roytman, and Koperda, either alone or in combination, fail to disclose, teach, or suggest at least the combination of features that includes "extracting one or more component parameter values from the plurality of network components that support the service using a plurality of sensors," "monitoring the component parameter values extracted from the plurality of network components that support the service using a plurality of monitoring agents . . . [configured to] detect one or more intra-domain events . . . and generate one or more intra-domain alarms" in respective domains of the network, and "correlating the intra-domain alarms generated in each of the plurality of domains of the network using an alarm correlation agent . . . configured to correlate the intra-domain alarms to generate one or more inter-domain alarms across the plurality of domains of the network," as recited in amended independent claim 1, for example.

Accordingly, for at least the foregoing reasons, Maccabee, Roytman, and Koperda, either alone or in combination, fail to disclose, teach, or suggest each and every feature of amended independent claim 1. Amended independent claim 23 includes features similar to those set forth in amended independent claim 1. Claims 24-25 and 27 depend from and add features to amended independent claim 23. Thus, the rejection of these claims is improper and must be withdrawn for at least the foregoing reasons.

#### **NEW CLAIMS 37-38**

As indicated above, the Examiner has failed to establish that the references relied upon, either alone or in combination, disclose, teach, or suggest each and every feature of amended independent claims 1 and 23. New independent claims 37 and 38 recite features similar to those set forth in amended independent claims 1 and 23. Thus, newly added independent claims 37 and 38 are allowable over the references relied upon for at least the same reasons discussed in further detail above.

## CONCLUSION

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action. As such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Respectfully submitted,

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